

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Unlicensed Activity of:

No. 09F-BD028-SBD

3 **DRIGGS TITLE AGENCY, INC. AND**
4 **ADAM DRIGGS, PRESIDENT**
1951 W. Camelback Road, Suite 101
Phoenix, AZ 85015

CONSENT ORDER

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OCT 27 2008

DEPT. OF FINANCIAL
INSTITUTIONS

Respondents.

7 On, October 7, 2008, the Arizona Department of Financial Institutions ("Department") issued
8 an Order to Cease and Desist; Notice of Opportunity For Hearing; Consent to Entry of Order
9 alleging that Respondents had violated Arizona law. Wishing to resolve this matter in lieu of an
10 administrative hearing, Respondents consent to the following Findings of Fact and Conclusions of
11 Law, and consent to the entry of the following Order.

12 **FINDINGS OF FACT**

13 1. Respondent Driggs Title Agency, Inc. ("Driggs") is an Arizona corporation that is not
14 and was not, at any time material herein, authorized to transact business in Arizona as an escrow
15 agent within the meaning of A.R.S. §§ 6-801, *et seq.*

16 2. Respondent Adam Driggs ("Mr. Driggs") is the President of Driggs, and is not and
17 was not at any time material herein authorized to transact business in Arizona as an escrow agent
18 within the meaning of A.R.S. §§ 6-801 *et seq.*

19 3. Driggs and Mr. Driggs are not exempt from licensure as an escrow agent within the
20 meaning of A.R.S. § 6-811(A).

21 4. On or around May 8, 2008, the Department examined a licensed escrow agent's
22 books and records. The examination revealed the following unlicensed activity:

- 23 a. Escrow funds are frequently deposited into a Driggs bank account and then
24 transferred into the escrow agent's bank account;

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- 1 b. Internal escrow documents are frequently prepared using the Driggs name;
2 and
3 c. Escrow property is sent to the attention of Driggs; and
4 5. On or around July 25, 2008, the Department examined additional escrow files of said
5 licensed escrow agent. The examination revealed the following unlicensed activity:
6 a. Individuals working by an Agreement with Driggs are performing escrow
7 functions, including but not limited to; preparation of HUD-1 Settlement
8 statements, receipt of loan documents, continual contact with lending
9 personnel and other parties to the transaction throughout the escrow
10 transaction, preparation of internal escrow documents and the
11 receipt/disbursement of escrow funds;
12 b. Escrow property in the form of loan documents and escrow funds are being
13 handled by individuals working by an Agreement with Driggs;
14 c. Multiple documents list the Settlement Agent as Driggs; and
15 d. Multiple documents list parties working by an Agreement with Driggs as the
16 Escrow Officer.

17 **CONCLUSIONS OF LAW**

- 18 1. Pursuant to A.R.S. §§ 6-801, *et seq.*, the Superintendent has the authority and duty to
19 regulate all persons engaged in the escrow agent business and with the enforcement of statutes, rules,
20 and regulations relating to escrow agents.
21 2. By the conduct set forth above, Driggs and Mr. Driggs violated A.R.S. § 6-813(A) by
22 engaging in the escrow agent business or acting in the capacity of an escrow agent in Arizona
23 without first obtaining a license.
24 3. Driggs and Mr. Driggs are not exempt from licensure as an escrow agent within the
25 meaning of A.R.S. § 6-811(A).
26

4. The violations of applicable laws, set forth above, constitute grounds for: (1) the issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the violative conduct and to take the appropriate affirmative actions, within a reasonable period of time prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts, practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-132; and (3) an order or any other remedy necessary or proper for the enforcement of statutes and rules regulating escrow agents pursuant to A.R.S. §§ 6-123 and 6-131.

ORDER

1. Driggs and Mr. Driggs shall immediately stop the violations set forth in the Findings of Fact and Conclusions of Law. Driggs and Mr. Driggs shall immediately stop all escrow agent activity in Arizona until such time as Driggs and Mr. Driggs have obtained an escrow agent license from the Superintendent as prescribed by A.R.S. § 6-814.

2. Driggs and Mr. Driggs shall immediately pay to the Department a civil money penalty in the amount of fifteen thousand dollars (\$15,000.00). Driggs and Mr. Driggs are jointly and severally liable for payment of the civil money penalty.

3. The provisions of this Order shall be binding upon Respondents, their employees, agents, and other persons participating in the conduct of the affairs of Respondents.

4. This Order shall become effective upon service, and shall remain effective and enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated, or set aside.

SO ORDERED this 28 day of October, 2008.

Felecia A. Rotellini
Superintendent of Financial Institutions

By: Robert D. Charlton
Robert D. Charlton
Assistant Superintendent

1 **CONSENT TO ENTRY OF ORDER**

2 1. Respondents acknowledge that they have been served with a copy of the foregoing
3 Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, have read the
4 same, are aware of their right to an administrative hearing in this matter, and have waived the same.

5 2. Respondents admit the jurisdiction of the Superintendent and consent to the entry of
6 the foregoing Findings of Fact, Conclusions of Law, and Order.

7 3. Respondents state that no promise of any kind or nature has been made to induce
8 them to consent to the entry of this Order, and that they have done so voluntarily.


9 4. Respondents agree to cease from engaging in the violative conduct set forth above in
10 the Findings of Fact and Conclusions of Law.

11 5. Respondents acknowledge that the acceptance of this Agreement by the
12 Superintendent is solely to settle this matter and does not preclude this Department, any other agency
13 or officer of this state or subdivision thereof from instituting other proceedings as may be
14 appropriate now or in the future.

15 6. Adam Driggs, President, on behalf of Driggs Title Agency, Inc. and himself,
16 represents that he is the President, and that, as such, has been authorized by Driggs Title Agency,
17 Inc. to consent to the entry of this Order on its behalf.

18 7. Respondents waive all rights to seek judicial review or otherwise to challenge or
19 contest the validity of this Consent Order.

20 DATED this 27 day of October, 2008.

21 By: 
22 Adam Driggs President
23 Driggs Title Agency Inc.
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1 ORIGINAL of the foregoing filed this 28th
day of October, 2008, in the office of:

2 Felecia A. Rotellini
3 Superintendent of Financial Institutions
4 Arizona Department of Financial Institutions
5 ATTN: Susan L. Longo
6 2910 N. 44th Street, Suite 310
7 Phoenix, AZ 85018
8 COPY mailed/delivered same date to:

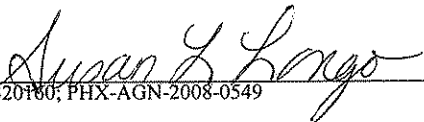
9 Craig A. Raby, Assistant Attorney General
10 Office of the Attorney General
11 1275 West Washington
12 Phoenix, AZ 85007

13 Robert D. Charlton, Assistant Superintendent
14 Richard Fergus, Division Manager
15 Dianna Cox, Senior Examiner
16 Arizona Department of Financial Institutions
17 2910 N. 44th Street, Suite 310
18 Phoenix, AZ 85018

19 AND COPY MAILED SAME DATE by
20 Certified Mail, Return Receipt Requested, to:

21 Driggs Title Agency, Inc.
22 Adam Driggs, President
23 1951 W. Camelback Road, Suite 101
24 Phoenix, AZ 85015
25 Respondents

26 Adam Driggs, Statutory Agent for:
Driggs Title Agency, Inc.
6855 E. Wildcat Drive
Scottsdale, AZ 85262


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